

REMARKS

Restriction Requirement

Applicant hereby elects without traverse the claims in Group II, namely claims 23-30, 34, and 35. By way of this amendment, previously withdrawn claims 31 and 36 are cancelled.

Claim Rejections

In paragraph 12 of the Office Action, the Examiner has indicated claims 29 and 30 would be allowable if rewritten in independent form. By way of new claims 39 and 40, Applicant respectfully submits that the subject matter of respective claims 29 and 30 are set forth in independent form. Accordingly, Applicant respectfully submits that new claims 39 and 40 are in condition for allowance.

Claims 23, 24, 34, and 35 stand rejected under 35 USC §102(b) as being anticipated by Haining. With respect to claim 23, Applicant respectfully submits that Haining fails to establish a *prima facie* case of anticipation. Claim 23 requires an energy storage device which is triggered by a release tab thereby providing the energy to automatically project the needle hub and needle into the hollow body portion associated with the catheter. The cited reference of Haining provides for no energy storage device but rather uses manual manipulation to physically slide the moveable portions of the catheter assembly. Accordingly, Applicant respectfully submits that the cited reference of Haining fails to anticipate claim 23.

With respect to claims 24, 34, and 35, these claims have been amended to clarify that, as set forth in claim 23, there is an energy storage device in communication with the release tabs. Accordingly, by the controlled engagement of the release tabs, the energy storage means will automatically serve to blunt the tip of the introducer needle into the catheter and/or to retract the introducer needle into the hollow body. It is respectfully submitted that the Haining reference fails to disclose any energy storage means for claims 24, 34, and 35 are not anticipated by the Haining reference.

Claim 27 has been amended to reflect dependency and antecedent basis of claim language in claim 24.

Dependent claims 25-30 are believed to be in condition for allowance for at least the reason that they depend from an allowable independent claim.

The Examiner is encouraged to telephone the undersigned at his/her convenience should only minor issues remain after consideration of the present Amendment, to permit early resolution of same.

Please charge any additional fees required by this Amendment to Deposit Account No. 50-3172.

Respectfully submitted,

J. BENNETT MULLINAX, LLC

A handwritten signature in black ink, appearing to read "JB Mullinax", written in a cursive style.

J. Bennett Mullinax
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